CENTRAL FAX CENTER

JAN 0 7 2005

Response Under 37 CFR §1.111

**PATENT**

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|---|---|---|---|
| Appl. No. | : | 09/909,564 | Confirmation No. 4357 |
| Applicant | : | Michael C. PELLETIER | |
| Filed | : | July 20, 2001 | |
| TC/A.U. | : | 3621 | |
| Examiner | : | Firmin BACKER | |
| Docket No. | : | SOM920010001US1 | |
| Customer No. | : | 23334 | |

### 37 C.F.R. 1.131 AFFIDAVIT

I, the undersigned, inventor of the above-referenced patent application, hereby declare the following:

1) The pending claims of my above identified patent invention were rejected under 35 U.S.C. §103(a) based on the prior art reference of McGuire et al. (U.S. Publication No. 2003/0023489) with an effective filing date of June 14, 2002, based on provisional application numbers 60/362,297 filed March 7, 2002; 60/333,324 filed November 26, 2001; and 60/298,329 filed June 14, 2001 (hereinafter referred to as "McGuire").

2) The invention described in the above referenced patent application was reduced to a writing and signed by the undersigned applicant prior to the June 14, 2001 date of McGuire. In particular, the relevant portion of my Invention Disclosure upon which the above referenced patent application was based is attached herewith.

I, the undersigned, declare all of the above statements are made on my own knowledge, the above statements are true and correct, and the above statements are made on information that I believe to be true. I understand that false statements or concealment in obtaining a patent will subject me to fine and/or imprisonment or both (18 U.S.C. §1001) and may jeopardize the validity of the above identified patent application or any application issuing therefrom.

Michael C. Pelletier

June 24, 2004

SOM920010001US1                    1                    09/909,564

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Docket No. SOM9-2001-0001US1

## Disclosure SOM8-2001-0001
Prepared for and/or by an IBM Attorney - IBM Confidential

Created By: Michael Pelletier    Created On:
Last Modified By: Robin Roberts    Last Modified On:

Required fields are marked with the asterisk (*) and must be filled in to complete the form.

### *Title of disclosure (in English)
Delivery of Encrypted Digital Content over the Internet with Associated Geographical Positional Advertising

## Summary

| Status | Submitted |
|---|---|
| Original Location | BOC |
| Processing Location | SOM |
| Functional Area | SWG Solutions and Integration (Tempelmeyer) Div 7J |
| Attorney/Patent Professional | Richard Tomlin/Boca Raton/IBM |
| IDT Team | Scott Winters/Austin/IBM@IBMUS |
| Submitted Date | |
| Owning Division | SWG |
| Incentive Program | |
| Lab | |
| Technology Code | |
| PVT Score | 40 |

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| Inventor Name | Inventor Serial | Div/Dept | Inventor Phone | Manager Name |
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## Inventors without Lotus Notes IDs

## IDT Selection
Select Functional Area

| IDT Team: | Attorney/Patent Professional: |
|---|---|
| Scott Winters/Austin/IBM@IBMUS | Richard Tomlin/Boca Raton/IBM |

**\*Main Idea**
1. Describe your invention, stating the problem solved (if appropriate), and indicating the advantages of using the invention.
This invention provides for the capability to deliver geographical positional advertising during the download of digital content over the internet. The problem today is that owners of digital content do not have the capability to deliver an advertisement along with their digital content to a select group or audience based on a geographic position. This invention will be able to determine the approximate location of the purchaser and then supply this person with a targeted piece of advertising based on where they live

2. How does the invention solve the problem or achieve an advantage,(a description of "the invention", including figures inline as appropriate)?
Delivery of encrypted digital content is an emerging industry. The capability to attach a digital piece of advertisement (geographically positioned) along with the encrypted content does not exist. An example is in today's environment, people purchase digital music from a Web site and download it to their PC. The web site owner can identify from the person's TCP/IP address the geographic location of where this person lives. Today at the Web site, the owner can provide some forms of advertising based on who or where that individual person may live, on the web screen itself. This solution provides the capability to include advertising along with the downloadable digital content that was purchased based on a particular geographic location or position. Specifically, someone from Miami who buys a piece of digital content (music, ebooks, video, etc) would also receive a positioned advertisement on new CD players at a local Miami electronics store.
Detail: The web site determines the location of the user from the TCP/IP address during access to the web site. When a purchase is made and the download commences, the EMMS software (currently available from IBM SWG) appends the associated advertising clip for that given geographic location.
Note: The possibility exists to imbed the digital advertising along with the digital content, TBD. The capability also exists that a person can purchase content with or without advertising. The difference is being the cost of the content, example: a song with advertising would cost less than one without since the company who wants to provide the advertisement would offset the cost of the song. In addition, modifications could be made to dynamically imbed digital advertising during the purchase providing the capability to change any given advertisement without affecting the actual digital content (music).

3. If the same advantage or problem has been identified by others (inside/outside IBM), how have those others solved it and does your solution differ and why is it better?
IBM currently has a software DRM solution called EMMS, this invention extends the capability of EMMS into the advertising industry.

4. If the invention is implemented in a product or prototype, include technical details, purpose, disclosure details to others and the date of that implementation.

**\*Critical Questions (Questions 1-9 must be answered)**

**\*Question 1**
On what date was the invention workable? **Please format the date as MM/DD/YYYY**
(Workable means i.e. when you know that your design will solve the problem)

**\*Question 2**
Is there any planned or actual publication or disclosure of your invention to anyone outside IBM?
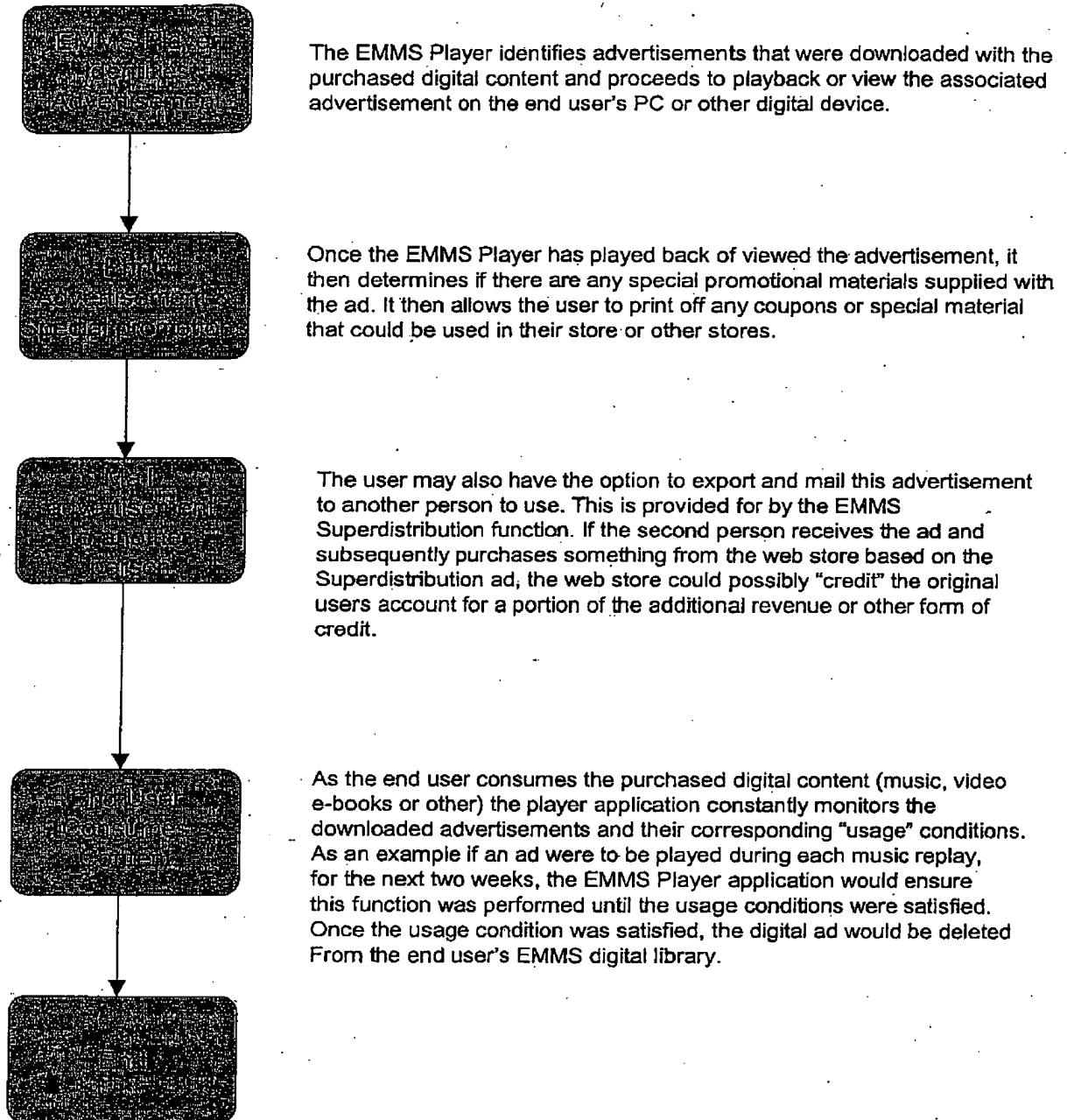If yes, Enter the name of each publication or patent and the date published below.
Publication/Patent:

# Delivery of Encrypted Digital Content over the Internet with Associated Geographical Positional Advertising

## Disclosure SOM8-2001-0001

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# Dispersal of Geographic Positional Advertisements
# After Purchase and Download of Digital Content

The EMMS Player identifies advertisements that were downloaded with the purchased digital content and proceeds to playback or view the associated advertisement on the end user's PC or other digital device.

Once the EMMS Player has played back of viewed the advertisement, it then determines if there are any special promotional materials supplied with the ad. It then allows the user to print off any coupons or special material that could be used in their store or other stores.

The user may also have the option to export and mail this advertisement to another person to use. This is provided for by the EMMS Superdistribution function. If the second person receives the ad and subsequently purchases something from the web store based on the Superdistribution ad, the web store could possibly "credit" the original users account for a portion of the additional revenue or other form of credit.

As the end user consumes the purchased digital content (music, video e-books or other) the player application constantly monitors the downloaded advertisements and their corresponding "usage" conditions. As an example if an ad were to be played during each music replay, for the next two weeks, the EMMS Player application would ensure this function was performed until the usage conditions were satisfied. Once the usage condition was satisfied, the digital ad would be deleted From the end user's EMMS digital library.

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# Content Mastering of Digital Advertising



Advertising agencies will provide digital advertisements in the form of Wav, Text, Images and Video files along with usage parameters.

Associate Geographic Location (as supplied by Ad Agency)
Metadata: Country, Region, State, City, Zip Code, other
Usage Conditions:
1.      Time Based – Run Ad for 1 day, week, month, other.
2.      Run designated number of times (1-99+)
3.      Run Ad during specific time periods (Jan 10-20, Mar 1-23)
4.      Run Ad designated by Web Store during purchase of content.
5.      Run Ad with specific digital selection (music, text, video, etc)
      1.      Music Track of Madonna
      2.      E-Book of War & Peace
      3.      Video of Star Wars
      4.      New Gameboy video game
6.      Player Control – allow / disallow end user control over display or playback of advertisement.
7.      Allow printing of special offer / coupon after display or playback.
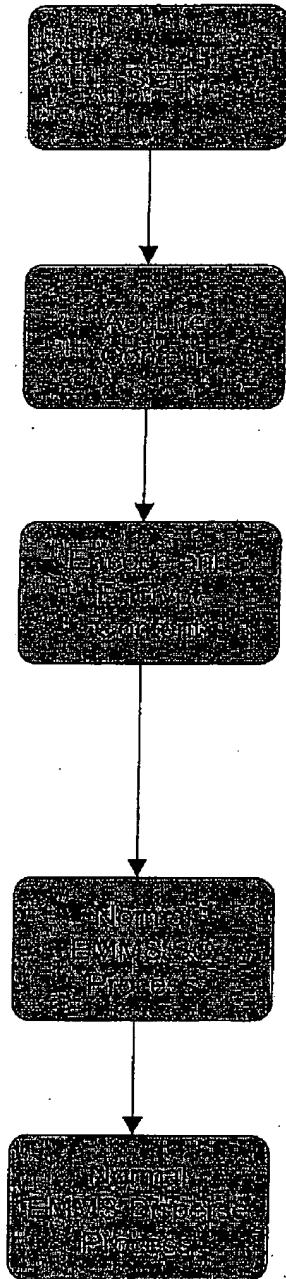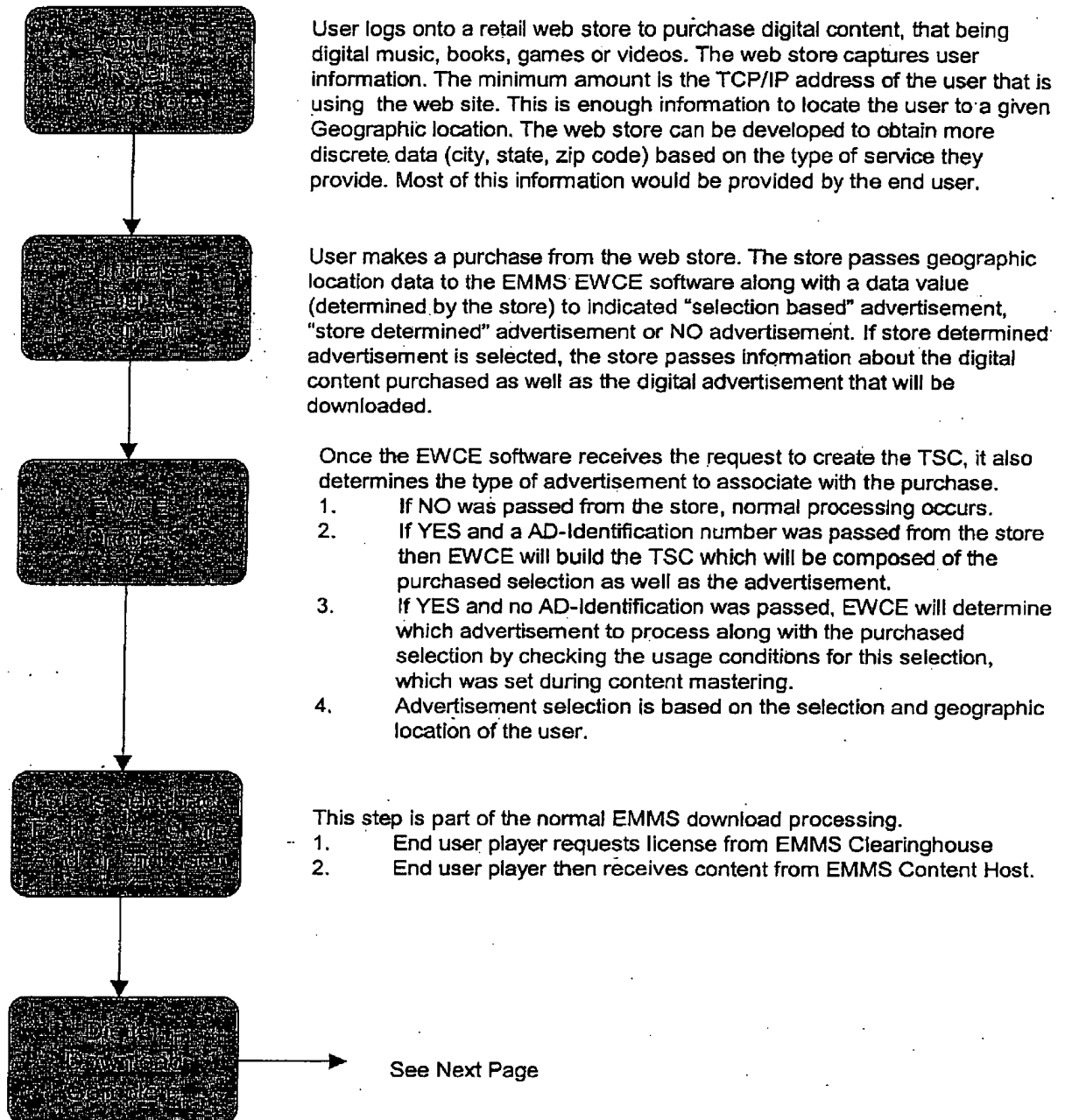8.      Allow capability to send advertisement to another user or friend.

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# Dispersal of Geographic Positional Advertisements
# After Purchase and Download of Digital Content

User logs onto a retail web store to purchase digital content, that being digital music, books, games or videos. The web store captures user information. The minimum amount is the TCP/IP address of the user that is using the web site. This is enough information to locate the user to a given Geographic location. The web store can be developed to obtain more discrete data (city, state, zip code) based on the type of service they provide. Most of this information would be provided by the end user.

User makes a purchase from the web store. The store passes geographic location data to the EMMS EWCE software along with a data value (determined by the store) to indicated "selection based" advertisement, "store determined" advertisement or NO advertisement. If store determined advertisement is selected, the store passes information about the digital content purchased as well as the digital advertisement that will be downloaded.

Once the EWCE software receives the request to create the TSC, it also determines the type of advertisement to associate with the purchase.
1.      If NO was passed from the store, normal processing occurs.
2.      If YES and a AD-Identification number was passed from the store then EWCE will build the TSC which will be composed of the purchased selection as well as the advertisement.
3.      If YES and no AD-Identification was passed, EWCE will determine which advertisement to process along with the purchased selection by checking the usage conditions for this selection, which was set during content mastering.
4.      Advertisement selection is based on the selection and geographic location of the user.

This step is part of the normal EMMS download processing.
1.      End user player requests license from EMMS Clearinghouse
2.      End user player then receives content from EMMS Content Host.

See Next Page

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